

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action rejects claims 1, 2, and 5 under 35 USC §102(b) as being anticipated by SEGALLE. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The Official Action identifies those features and elements of the SEGALLE device interpreted as meeting the recitations of the rejected claims. Among such recitations is the definition of the distal surface being at an angle of approximately 75° with the bearing surface. In this regard, the Official Action makes specific reference to Figure 7c of SEGALLE.

The Official Action expands on this by noting that, in the SEGALLE device, the transverse axis lies obliquely, being more distal at the metacarpophalangeal joint of the index finger and more proximal at the metacarpophalangeal joint of the fifth finger. With this as a foundation, the Official Action goes on to conclude that there exists an angle of approximately 75° formed with the longitudinal axis. While the applicant does not specifically disagree with the interpretation of Figures 7c and 7d offered by the Official Action, the recitation relates to a different dimension entirely.

In order to clarify the original recitations, applicant has amended independent claim 1 to recite that the bearing

surface has a longitudinal axis. Amended claim 1 then goes on to recite that a tangent at the distal surface in a plane perpendicular to the bearing surface, with such plane including the longitudinal axis, is at an angle of approximately 75° with the bearing surface.

Applicant notes that the angle α is illustrated at least in Figure 6 of the present drawing figures. As illustrated therein, the angle α exists not in the plane of the bearing surface, but rather in a plane perpendicular to the bearing surface, as explicitly noted in amended independent claim 1. Furthermore, the present characteristic of the device as claimed is described at least on page 4, beginning on line 22. There it is stated that the angle α exists between the tangent at the midsection of the distal surface 8 and the bearing surface 4. As the distal surface 8 lies on the upper portion of the device, the angle α in question necessarily cannot exist in the plane of the bearing surface.

In light of such analysis and amendment to claim 1, applicant respectfully suggests that the applied reference in general, and the disclosure illustrated in Figure 7c of such reference cannot reasonably be considered to anticipate the full set of features recited in amended independent claim 1, particularly with respect to the recited angle α .

In addition to the anticipation rejection in light of SEGALLE considered above, the Official Action rejects claims 3,

4, and 6-8 under 35 USC §103(a) as being unpatentable over the same SEGALLE reference. The interpretation of such reference as rendering obvious the device defined by such claims is necessarily predicated upon the interpretation and analysis that underlies the anticipation rejection of claim 1 based on the same reference. As the recitations related to the angle α are implicitly recited in each of claims 3, 4, and 6-8 by virtue of their ultimate dependence from claim 1, the applied reference necessarily fails to render obvious the device described by these claims. Reconsideration and withdrawal of this rejection are therefore also respectfully requested.

In light of the amendments described above and the arguments offered in support thereof, applicant believes the present application is in condition for immediate allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires clarification of any of the above points, the Examiner is respectfully requested to contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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